THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.485 of 1998

Dated: 09.08.2006

Between
May Fair Knitting Industries Limited
Rep., by its Manager & Authorised Signatory
M.V.Krishna Rao

…..Petitioner

and

Inspector, Legal Metrology, Hyderabad,CCI.

….Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.485 of 1998

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondent in seizing the goods under Notice No.305/PC/97-98, dated 18.9.1997 as illegal and arbitrary.

It appears that the petitioner is a company and the goods manufactured by it was seized invoking the provisions of the Standards of Weights and Measurements Act 1976 on the ground of violation of certain provisions of the Act and rules made there under. Aggrieved by the same, the writ petition has been preferred.

While admitting the writ petition on 16.2.1998, an interim order in WPMP No.533 of 1998 was granted directing the respondents to release the goods seized from the petitioner on furnishing bank guarantee for Rs.5,000/- pending further orders. On 16.3.1998 another interim direction was issued to the respondent not to initiate prosecution proceedings pending further orders.

A detailed counter affidavit has been filed stating that the Inspector, C.C-I City Zone Department of Legal Metrology inspected the trading premises of the petitioner at Viceroy Hotel, Tank Bund Road, Secunderabad on 12.9.1997 and registered a case against the petitioner for violation of Section 39 and 63 of the Act Rule 4, 6 (1) (a), 6 (1) (d) and 6 (1) (f) of the Standards of Weights and Measures (Packaged Commodities) Rules,

1977 and Section 51 of the Standards of Weights & Measures (Enf.) Act, 1985. Therefore, the said action of the respondents is in accordance with law. Further, the petitioner failed to exhaust the alternative remedy of appeal available under Section 69 (1) (a) of the Standards of Weights & Measures (Enf) Act, 1985.

In view of the fact that an effective alternative remedy by way of appeal is available, the petitioner is directed to avail the same as per law. Any appeal filed by the petitioner shall be entertained without taking any objection as to the limitation. The appeal shall be filed within a period of four weeks from today and the same shall be disposed of within two months thereafter. In the mean while, the interim direction granted on 16.3.1998 directing the respondent not to initiate prosecution proceedings pending further orders shall continue.

Writ petition is disposed of accordingly. No costs.

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09.08.2006

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